

Assembly Bill No. 2943

CHAPTER 837

An act to add Article 9 (commencing with Section 124172) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to vaccinations.

[Approved by Governor September 28, 2004. Filed
with Secretary of State September 28, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2943, Pavley. Mercury-containing vaccines.

Existing law requires the State Department of Health Services to maintain a program of maternal and child health.

This bill, with certain exemptions, would prohibit, on and after July 1, 2006, a person who is knowingly pregnant or who is under 3 years of age from being vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than a specified amount of mercury. The bill would require notice to be given to the Legislature and interested parties regarding any exemptions and requests for exemptions.

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 124172) is added to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, to read:

Article 9. Mercury-containing Vaccines

124172. (a) Except for an influenza vaccine described in subdivision (b), on and after July 1, 2006, a person who is knowingly pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(b) On and after July 1, 2006, a person who is knowingly pregnant or who is under three years of age shall not be vaccinated with a mercury-containing influenza vaccine that contains more than 1.0 microgram of mercury per 0.5 milliliter dose.

(c) The Secretary of the Health and Human Services Agency may exempt the use of a vaccine from this section if the secretary finds, and

the Governor concurs, that an actual or potential bioterrorist incident or other actual or potential public health emergency, including an epidemic or shortage of supply of a vaccine that would prevent children under three years of age and knowingly pregnant women from receiving the needed vaccine, makes necessary the administration of a vaccine containing more mercury than the maximum level set forth in subdivision (a), or subdivision (b) in the case of influenza vaccine. The exemption shall meet all of the following conditions:

- (1) It shall not be issued for more than 12 months.
- (2) At the end of the effective period of the exemption, the secretary may issue another exemption for up to 12 months for the same incident or public health emergency, if the secretary makes a determination that the exemption is necessary as set forth in this subdivision, the Governor concurs with the exemption, and the secretary notifies the Legislature and interested parties pursuant to paragraphs (3), (4), and (5).
- (3) Upon issuing an exemption, the secretary and the Governor shall, within 48 hours, notify the Legislature about the exemption and about the secretary's findings justifying the exemption's approval.
- (4) Upon request for an exemption, the secretary shall notify interested parties, who have expressed their interest to the secretary in writing, that an exemption request has been made.
- (5) Upon issuing an exemption, the secretary shall, within seven days, notify interested parties, who have expressed their interest to the secretary in writing, about the exemption and about the secretary's findings justifying the exemption's approval.

